

March 17, 2009

WRITER'S DIRECT LINE  
202 672 5367  
rvomeigen@foley.com EMAIL

CLIENT/MATTER NUMBER  
093868 0101

VIA E-MAIL

The Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

Re: Finance Docket No. 35133, *Milwaukee Industrial Trade  
Center, LLC, d b a Milwaukee Terminal Railway - Acquisition  
and Operation Exemption - Private Trackage at Milwaukee,  
WI*

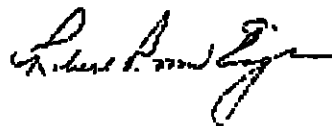
Dear Secretary Quinlan:

The Redevelopment Authority of the City of Milwaukee ("RACM") filed on September 18, 2008 a Petition to Revoke the Notice Exemption obtained by the Milwaukee Industrial Trade Center ("MITC"). Subsequent to filing responsive pleadings, the parties jointly requested that the proceedings be suspended pending on-going negotiations to attempt to settle the dispute. By order served on December 17, 2008, the Board instituted a proceeding under 49 U.S.C. 10502(d) to consider RACM's Petition, but granted the parties' request and held the proceeding in abeyance to provide the parties time to negotiate a settlement. The Board directed the parties to file a joint report with the Board on the status of negotiations by March 17, 2009.

The parties have engaged in extensive negotiations subsequent to the Board's December 17 order, including the exchange of numerous proposals and counter-proposals. Unfortunately, these discussions have not resulted in an agreement to date. RACM believes that the process has continued for more than a sufficient time to resolve this dispute.

As counsel to RACM, I have spoken with MITC counsel, but we could not agree on the terms of a joint report to the Board. Therefore, RACM requests that the Board proceed with a ruling on the pleadings pending before it.

Sincerely yours,



Robert P. vom Eigen

cc: Thomas McFarland, Esq.  
Joseph H. Dettmar, Acting Director, Office of Proceedings

BOSTON  
BRUSSELS  
CHICAGO  
DETROIT

JACKSONVILLE  
LOS ANGELES  
MADISON  
MIAMI

MILWAUKEE  
NEW YORK  
ORLANDO  
SACRAMENTO

SAN DIEGO  
SAN DIEGO/DEL MAR  
SAN FRANCISCO  
SHANGHAI

SILICON VALLEY  
TALLAHASSEE  
TAMPA  
TOKYO  
WASHINGTON D.C.